

Application No.: 10/705,670

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REMARKS**Pending Claims**

Claims 1-18 are pending. Claim 1 has been amended. Support for the amendments to claim 1 is found, for example, in the drawings and the corresponding descriptions in the specification. Other claims have been amended to correct informalities. No new matter has been added.

Claim 8 has been rewritten in independent form. No new matter has been added.

Objections

Objections to claims 16 and 18 for containing informalities have been addressed by this amendment. Withdrawal of the objections is respectfully requested.

Claim Rejections – 35 USC §102

Claims 1, 2, 6, and 12-15 have been rejected under 35 USC §102(b) as being anticipated by Osborn, III et al. (USP 5,885,265) (Osborn). Applicants respectfully submit that the claims are not anticipated at least for the following reasons.

Claim 1 as amended recites as follows:

Claim 1 (currently amended): An interlabial pad having longitudinal and lateral directions appropriate for inserting between the labia of a wearer, the interlabial pad comprising:
an interlabial pad body for absorbing body fluid; and
a pair of flap portions provided on the interlabial pad body to extend beyond the side edges of the interlabial pad body in the lateral direction,
said interlabial pad body has a surface side sheet disposed on the body side for contacting the skin of the wearer and a backside sheet disposed opposite to the surface side sheet, and the surface side sheet and the backside sheet are bonded together at the peripheral edges thereof to enclose an absorbent body for absorbing said body fluid, and
wherein the pair of the flap portions is provided with a surface for contacting the skin of the wearer, and said surface has an adhesive portion.
(Emphasis added.)

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At least the bolded features above are not disclosed, taught or suggested by the cited prior art reference. That is, the prior art reference, Osborn, does not disclose, teach or suggest a pair of flap portions that extends beyond the side edges of the interlabial pad body in the lateral direction and that has a surface area with an adhesive provided on it so as to secure the flap portions of the interlabial pad to the skin of the wearer. In Osborn in Fig. 5, the longitudinal side edges 26 (the alleged "flaps") are part of the interlabial absorbent structure 20 and is not a separate structure that extends beyond the side edges of the interlabial pad body. Moreover, the longitudinal side edges 26 or their vicinity do not have any adhesive because as shown in Osborn's Fig. 1, the adhesive 25 is provided at the end edges 22 of the interlabial pad and not at the longitudinal side edges 26. Therefore, Osborn does not disclose, teach or suggest a pair of flap portions that is disposed to extend beyond the side edges of the interlabial pad body in the lateral direction and that is provided with a surface for contacting the skin of the wearer, where the surface has an adhesive portion.

For at least the above reason, Osborn does not anticipate the invention of claim 1. Furthermore, claims 2, 6, and 12-15, which depend from claim 1, are not anticipated for at least the same reason as claim 1.

Claim Rejections – 35 USC §103

Claim 11 have been rejected under 35 USC §103(a) as being unpatentable over Osborn. Applicants submit that because claim 11 is dependent from claim 1, claim 11 is not disclosed, taught, or suggested by the cited prior art for at least the same reason as claim 1.

Claim 3-5 have been rejected under 35 USC §103(a) as being unpatentable over Osborn in view of Hasegawa (WO 98/25561). Claims 3-5 depend from claim 1, and therefore, these claims are not disclosed, taught, or suggested by the cited prior art for at least the same reason as claim 1.

Furthermore, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to

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combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

(MPEP 2143)

Applicants respectfully submit that the prior art references do not satisfy at least the first criterion required for finding *prima facie* obviousness.

Osborn discloses an interlabial pad, and therefore, has a different structure from a sanitary napkin. Hasegawa discloses a sanitary napkin and not an interlabial pad. The sanitary napkin is not inserted interlabially like the interlabial pad, and therefore, has perforce a different structure. For example, Hasegawa's sanitary napkin has flaps that are folded back so that the adhesives on the flaps attach to the undergarment and not to the skin of the wearer (see page 10, lines 25 to 30). The location of a body adhesive 25 of Osborn is configured at the end edges 21, 22 to attach to the wearer and not the undergarment. See, as an example, the contrasting configuration and usage of an interlabial pad and a sanitary napkin in Fig. 20(B) of the present specification. There is no suggestion or desirability within the references themselves to modify the interlabial pad of Osborn to include the flaps of a sanitary napkin of Hasegawa. A person of ordinary skill in the art would not have found obvious the invention of claims 1-3 for at least this reason.

Claim 7 has been rejected under 35 USC §103(a) as being unpatentable over Osborn in view of Wierlacher (WO 99/01093). Claim 7 depends from claim 1. Therefore, claim 7 is not obvious from the cited prior art references for at least the same reason as claim 1. Like Osborn, Wierlacher is silent as to the pair of flaps as set forth in claim 1.

Deemed Allowable Subject Matter

Claims 8-10 and 16-18 have been objected to but deemed to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 8 has been rewritten in independent form. Therefore, claims 8-10 are believed to be allowable.

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Claims 16-18 depend directly or indirectly from claim 1, which Applicants believe to be allowable for the reasons stated previously, and therefore, these claims are believed to be allowable for at least the same reason as claim 1.

Summary

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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